

DEFENSIVE DRIVING BOARD

Meeting Agenda - Thursday, October 19, 2017

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER..... Daniel Edwards, Chair

1) REVIEW AND APPROVAL OF MINUTES Daniel Edwards, Chair

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of August 17, 2017.

2) PENDING COMPLAINTS.....Division Staff

2-A: Review, discussion and possible action regarding complaint number 17-D001, involving certificate holder, Traffic School of Arizona.

2-B: Update regarding the status of pending complaints.

3) INITIAL CERTIFICATION AND ELIGIBILITY.....Division Staff

3-A: Review, discussion and possible action regarding pending applications for initial certification of the following defensive driving schools:

1. EXPRESS TICKET DISMISSAL

4) DEFENSIVE DRIVING SCHOOLSDivision Staff

4-A: Update regarding proposed code changes concerning ownership of multiple DBAs and improvement to AOC's website, course curriculum and school conduct standards.

5) ADMINISTRATIVE ISSUESDivision Staff

5-A: *Review, discussion and possible action regarding the establishment of the 2018 Board meeting schedule.*

CALL TO THE PUBLIC Daniel Edwards, Chair

ADJOURN Daniel Edwards, Chair

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1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of August 17, 2017.

Attached for the Board's review and approval are the regular session minutes of the August 17, 2017 meeting.

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2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding complaint number 17-D001, involving certificate holder, Traffic School of AZ.

Wickenburg Municipal Court filed a complaint stating it received an insufficient funds check from Traffic Schools of Arizona (“TSA”) for a student course completion. The court mailed a notice to TSA regarding the NSF and the court alleged TSA did not provide a timely response. Since there was no effect on the student, the court’s biggest concern was TSA’s lack of responsiveness which could lead to serious consequences in the future.

In his written response and subsequent interview, Truscio admits issuing the NSF check and stated it was a “timing” error. Truscio said the court deposited the check just prior to his “manual” funds transfer and unfortunately the cutoff was missed by his staff. Truscio stated he was not aware of the issue for almost two weeks because the court sent its notice to his old address. Truscio said he notified the AOC of his move several months ago and sent additional notifications to the various courts as well.

Division records reflect Truscio did notify the Division in December of his new address. The court relied on its internet database to verify TSA’s address, however, the Division notified it was accessing the Supreme Courts’ Defensive Driving database from the outdated “ajinweb” website. Division staff has noted in numerous prior instances there are numerous ways to access the Supreme Court’s “DDTS” database for DD schools, however, the school updates, such as address changes, don’t always transfer to the older sites.

Truscio admits the error and states it was an isolated incident. ACJA § 7-205(F)(28)(i) in part states that in the event an overdraft or non-sufficient funds situation occurs, the school has three (3) days to rectify the matter. In this case, Truscio did submit all required documentation/fees within the required timeframe then issued a replacement check immediately upon learning of the NSF check. Despite TSA’s resolution with the court, however, ACJA § 7-205(F) specifically details reconciliation of a schools’ trust account which should have prevented an “NSF” check in the first place.

Staff recommends that the Board accept the finding of the probable cause evaluator, determine probable cause exists and issue a Letter of Concern.

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2) PENDING COMPLAINTS

2-B: Update regarding the status of pending complaints.

As of October 13, 2017, there are currently 8 open complaints, 1 of which has been presented on this agenda with a dispositive recommendation under agenda items 2-A.

DEFENSIVE DRIVING COMPLAINTS COURTOOLS MEASURE 4 AGE OF PENDING CASELOAD Shaded Areas Indicate Cases within Time Standard of 22 Months

Age (Months)	Number Cases	Percent	Cumulative Percent
0-4	5	63%	63%
5-9	1	13%	75%
10-14	2	25%	100%
15-19			
20-22			
23-35			
36-50			
Over 50			
Total	8	100%	100%

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-A: Review, discussion and possible action regarding pending applications for initial certification of the following defensive driving schools:

1. EXPRESS TICKET DISMISSAL

The above-named school is a classroom and internet format defensive driving school. They applied for certification on September 25, 2017. The school's office is located in Chandler, Arizona. The school's owner and principal is Zhivko Zhelyazkov. The school is also known as EXPRESS DEFENSIVE DRIVING SCHOOL ARIZONA and EXPRESS DEFENSIVE DRIVING SCHOOL.

Division staff has performed a review of the new school's application and curriculum.

It is recommended initial certification be granted to EXPRESS TICKET DISMISSAL.

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4) DEFENSIVE DRIVING SCHOOLS

4-A: Update regarding proposed code changes concerning ownership of multiple DBAs and improvement to AOC's website, course curriculum and school conduct standards.

Staff will provide information to the Board.

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5) ADMINISTRATIVE ISSUES

5-A: Review, discussion and possible action regarding the establishment of the 2018 Board meeting schedule.

The Defensive Driving Board is asked to consider and approve the 2018 meeting calendar.

Therefore, it is recommended the 2018 meeting calendar be set as follows:

February 15, 2018

April 19, 2018

June 14, 2018

August 16, 2018

October 18, 2018

December 13, 2018